

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:

WC BRAKER PORTFOLIO, LLC

DEBTOR.

CASE NO. 22-10293-TMD

CHAPTER 11

CHAPTER 11 TRUSTEE'S DESIGNATION OF AMENDED WITNESS AND
EXHIBIT LIST IN CONNECTION WITH
HEARING SCHEDULED FOR FEBRUARY 23, 2023

Dawn Ragan, the Chapter 11 Trustee ("Trustee") for WC Braker Portfolio, LLC ("Debtor"), files her Amended Witness and Exhibit List for the final sale hearing scheduled for February 23, 2023, at 10:00 a.m. (CT) (the "Hearing"), before the Honorable Christopher H. Mott pursuant to the Court's Order ("Bid Procedures Order") entered on December 21, 2022 [Docket No. 251], in connection with the *Chapter 11 Trustee's Motion For Entry Of (I) An Order (A) Approving Bid Procedures In Connection With The Sale Of The Debtor's Property, B) Approving Procedures For The Assumption And Assignment Of Executory Contracts And Unexpired Leases, (C) Approving Stalking Horse Bidder (D) Scheduling An Auction And Hearing To Approve Sale Of Property, (E) Approving Form And Manner Of Notices Related Thereto, And (F) Granting Related Relief; And (II) An Order Authorizing And Approving (A) The Sale Of The Debtor's Property Free And Clear Of Liens, Claims, Rights, Encumbrances, And Other Interests, And (B) Related Relief* ("Sale Motion") filed on November 23, 2022 [Dkt. No. 230].

I. WITNESSES

The Trustee designates the following persons who may be called as witnesses to testify at the Hearing:

1. Dawn Ragan, the Chapter 11 Trustee;
2. Harold Bordwin, Co-President, Keen-Summit Capital Partners LLC;
3. Representative for Braker Metric Business Parks, LLC, as the Successful Bidder;
4. Representative for ATX Braker SR, LLC, as the Back-Up Bidder;
5. Any witness called or designated by another party; and
6. Any rebuttal or impeachment witnesses, as necessary.

II. EXHIBITS

In addition, the Trustee may use the following exhibits at the Hearing:

EXHIBIT	DESCRIPTION	OFFERED	OBJECTION	ADMITTED	DATE	DISPOSITION
1	Purchase and Sale Agreement between Debtor as Seller and Braker Metric Business Parks, LLC, as Purchaser (“Successful Bidder PSA”)					
2	Redline of Successful Bidder PSA against Stalking Horse PSA					
3	Purchase and Sale Agreement between Debtor as Seller and ATX Braker SR LLC as Purchaser (“Back-Up Bidder PSA”)					
4	Redline of Back-Up Bidder PSA against Stalking Horse PSA					
5	Chapter 11 Trustee’s Motion for Entry of an Order Authorizing and Approving the Sale of Debtor’s Property Fee and Clear of Liens, Claims, Rights, Encumbrances, and Other Interests and Other Relief [Docket No. 230]					
6	Bid Procedures Order with Bid Procedures [Docket 251]					
7	Notice of Proposed Sale, Bid Procedures, Auction and Sale Hearing [Docket No. 252]					

EXHIBIT	DESCRIPTION	OFFERED	OBJECTION	ADMITTED	DATE	DISPOSITION
8	Supplemental Certificate of Service for Sale Notice [Docket No. 274]					
9	Notice of Executory Contracts and Unexpired Leases That May be Assumed and Assigned and Proposed Cure Amounts [Docket No. 253]					
10	Supplemental Certificate of Service for Assumption Notice [Docket No. 275]					
11	Revised Notice of Executory Contracts and Unexpired Leases That May be Assumed and Assigned and Proposed Cure Amounts [Docket No. 281]					
12	Post-Auction Notice [Docket No. 293]					
13	Notice of Service of Adequate Assurance Letter [Docket No. 298]					
14	Declaration of Harold J. Bordwin Regarding Publication of Auction and Sale Notice with Exhibit A [Docket. No. 299]					
15	Affidavit of Keith Oechsner regarding Wall Street Journal publication					
16	Proposed Sale Order [Docket No. 296]					
17	Revised Proposed Sale Order and redline [Docket No. ____]					
18	Declaration of Dawn Ragan, Chapter 11 Trustee in Support of Sale Motion [Docket No. ____]					
19	Declaration of Harold Bordwin in Support of Sale Motion, filed February 22, 2023 [Docket No. 300]					

The Trustee also requests that this Court take judicial notice of all pleadings and exhibits

filed electronically in this Court's docket, and admit those exhibits without separate physical introduction, which the Trustee may use as exhibits at the Hearing.

The Trustee reserves the right to supplement her Witness and Exhibit List as necessary to introduce any other documents designated by any other party and to rebut the testimony of witnesses called or exhibits designated by any other party. The Trustee reserves the right to hereafter supplement, amend or modify this list as appropriate. The Trustee also reserves the right to present demonstrative exhibits.

Dated: February 22, 2023

Respectfully Submitted,

/s/ Nancy Ribaudó

Michael McConnell

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Nancy Ribaudó

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Counsel for Dawn Ragan, Chapter 11 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2023, a true and correct copy of the foregoing document was electronically filed with the Court and served through the CM-ECF system to all counsel of record registered to receive a Notice of Electronic Filing for this case, or via e-mail and first class mail as indicated below:

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